



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting Minutes – June 30, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability Director (MB)
- Andrew Bedar, Member (AB)
- Diane McLeod, Vice Chair (DM)
- Carol Steinberg, Member (CS)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Director (TH)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at 9:10 a.m.

1) Discussion: Roll Call

WW - Call to order all but Raymond Glazier present

2) Incoming Discussion: Shrewsbury Public Library, 609 Main St., Shrewsbury (V14-101)

- TH
- original review and notice of action issued on May 19, 2014
 - EXHIBIT – submittal of plans showing route to the building entrance from accessible parking (Lamorouex Pagano Plans, A-1 and A-5, 4/17/14), submitted on May 29, 2014
 - 6.6% sidewalk slope around the corner
 - threshold of profile at the entrance

DM - grant the slope of the walkway as proposed

AB - second – Carries unanimously

MB - accept the threshold

DM - second – carries with MB abstaining

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

3) Incoming Discussion: East Templeton Elementary School Building, 160 Patriots Road, East Templeton (V14-199)

TH - EXHIBIT – accommodation policy to provide services at Council on Aging, which is accessible, June 9, 2014 submittal from Board of Selectmen

- seeking until September of 2015

CS - accept the accommodation policy

DM - second – carries unanimously

4) Incoming: Medford High School, 489 Winthrop Street, Medford (V14-130)

TH - EXHIBIT- variance application and all supplemental information

- 13.5 inches of latch pull side clearance

- door swings into the hallway

MB - door opener into locker room may leave the door open

CS - grant on the condition that they provide automatic opener

DM - Second – carries with DM abstaining

5) Incoming Discussion: 15 Story Office Building, 699 Boylston Street, Boston (V13-108)

TH - EXHIBIT – Plan from Bergmeyer Associates (Dated 6/6/14) received on 6/9/14

- seeking relief for the curb cut slopes at either side of the adjacent ally

MB - grant, based on tech. infeasibility

DM - second – carries unanimously

6) Discussion: Mixed Use Building, 45 Broad St., Boston (V14-081)

TH - Notice of Action issued

- EXHIBIT – new plan submitted on June 26, 2014 suggesting a 3 door lift

DM - deny the installation of a 3 door lift as shown in the submitted plans

RG - second – carries unanimously

7) Discussion: Lancaster Community Building, 39 Harvard St., Lancaster (V10-085)

TH - EXHIBIT – June 17, 2014 submittal from Alexandra Turner, seeking time until September 1, 2014 for the completion of the elevator

- MB - grant as proposed, on the condition that pictures of the elevator now, submitted by July 8, 2014*
DM - second – carries unanimously

8) Incoming: Causeway BBQ, 65-71 Causeway St., Boston (V14-144)

- TH - EXHIBIT – variance application and all supplemental information
- spent approximately \$1.5 million for the past 3 years, and still problems with access (bathrooms, and lift)
- shaft for the lift already in the building, seeking 6 months to finalize the installation of the lift, proposing to open both floors ASAP
- conducted site visit and found multiple violations
- toilet and urinal in men's room at first floor, but removed urinal and are proposing to provide that bathroom at the first floor to be the unisex toilet room
- alternate accessible stall provided in the women's room, but no fully accessible stall in the first floor women's room
- so women's room at the first floor and unisex toilet room; second floor is a little more usable for the bathrooms
- seeking to open completely for 6 months until the lift is put in

- CS - same menu at both floors?
TH - yes

- signage doesn't comply as well

MB – signage and auto-opener and lowering seating is a quick fix

MB - grant relief to the 5.5% slope at the entrance, on the condition that automatic door opener installed prior to occupancy

DM - second – carries unanimously

MB - deny the variance to keep the noncompliant egress signage, require compliant signage prior to occupancy

DM - second – carries unanimously

MB - deny the variances for raised seating, all to be lowered prior to occupancy

DM - second- carries unanimously

MB - require the renovation of the second floor toilet rooms to comply in full prior to occupancy of the second floor

DM - second – carries unanimously

MB - deny the request for the lack of access to the second floor for a six month period, requiring vertical access prior to the occupancy of the second floor

DM - second – carries unanimously

9) Incoming: Lake Waban Boat House, Wellesley College, 106 Central Street, Wellesley (V14-139)

- TH - EXHIBIT – variance application and all supplemental information
- reconstruction project of the interior, houses boats and small fitness area
- adding toilets
- spending over 30%

- seeking variances for several entrances and propose that the north side main entrance will comply with a ramp

MB - why, when they are reconstructing to this extent, can they not make more doors accessible

WW - 7 risers at the front door

TH - it's the walkways to the entrances that is the problems

MB - grant as proposed

AB - second – carries with CS opposed

10) Incoming: Voke Lofts Housings, 21 Salisbury Street, Worcester (V14-150)

TH - EXHIBIT – variance application and supplemental information

- new housing fit out

- one entrance, arguing for historic reasons, but no photos

- argue is that switchback ramp would be excessive and lift would demolish historic stair and excessive cost without benefit to persons with disabilities

- directional signage proposed at this inaccessible entrance

- four accessible entrances

MB - continue the discussion regarding inaccessible entrances; submit photos by July 8, 2014

DM - second – carries unanimously

TH - proposing to maintain the nosings at the three existing stairs, \$15,000 to correct

MB - deny

RG - Second – carries

11) Incoming Discussion: Commercial Space #534, 532-536 Cambridge Street, Cambridge (V14-119)

TH - EXHIBIT – new plan showing ramp with 1:8 slope and buzzer for assistance

MB - grant as proposed

AB - second – carries unanimously

12) Incoming: Harbormasters/Visiting Boaters Building, Municipal Fish Pier, Newburyport (V14-155)

TH - EXHIBIT – variance application and all supplemental information

- new 1812 sq. ft. 2 level building

- 391 square feet at second floor, first floor is accessible

- seeking no access to the second floor

CS - grant

AB - second – carries unanimously

DM left the room

13) Incoming Discussion: Grace Rider Senior Housing, 135 Main St., Marshfield (C12-090)

- TH - EXHIBIT – submittal from attorney Martin Rooney for housing authority received on May 29, 2014
- seeking time to August 2014 to fix everything

MB - *grant time until September 15, 2014 to correct all noncompliant features and submit confirmation of compliance*

AB - *second - carries unanimously*

14) Incoming Discussion: Eastover Hotel and Resort, 430 East Street, Lenox (V14-012)

- TH - in February of 2014, issued notice of action granted 2-stop elevator and require second floor rooms
- proposing accessible rooms at the second floor, but not the third floor
- EXHIBIT – Peter Nolan submittal on June 27, 2014, proposal for accessible cottages; June 9, 2014 submittal seeking 5 years for elevator
- accessible cottages are .2 miles, but as a crow flies, and would have to drive to the main mansion house
- building inspector asks that only 2 years be granted for elevator
- elevator project puts them over 30%

MB - is there an accessible first floor?

TH - yes, but all guest rooms are at the second and third floors
- seeking 5 years to put in the elevator

CS - why 5 years?

TH - money

TH - building inspector is requesting shorter time frame and status reports
- have to drive car to the main house

AB - *grant 3 years to put the elevator in to the second floor*

DM now present

MB - *second – AB and MB in favor, RG and CS opposed, DM abstaining, WW in favor - carries*

AB - *requiring status reports every six months, starting January 1, 2015*

MB - *second – carries unanimously*

15) Incoming: Beit Sasson, 556 Ward St., Newton (V14-143)

- TH - EXHIBIT – variance application and supplemental information
- over 30%
- installation of vertical wheelchair lift and two accessible toilet rooms proposed
- seeking variances for a temporary ramp
- existing front entrance is up steps, accessible entrance directly to the right

MB - *grant as proposed for lack of access at the one entrance*

DM - *second – carries unanimously*

TH - entrance to function room with stairs
- propose to maintain

MB - *grant as proposed*

RG - second – carries unanimously

- TH - existing women's toilet room by the entrance at the first floor
- new accessible toilet room 20 feet away in same hallway

MB - grant as proposed

DM - second – carries unanimously

- TH - use of portable ramp to access the 7 inch change in level up to the altar area
- portable ramp would take up too much space within the sanctuary

MB - grant as proposed for portable ramp

RG - second

CS - someone needs to be there that knows how to set it up

MB & RG – okay

– carries unanimously

16) Incoming: Dental Office, 710 Chelmsford St., Lowell (V14-134)

- TH - EXHIBIT – variance application and supplemental information
- single user toilet room is proposed to be 63” by 95” women's; men's single user of 62” by 95”
- no information about partial application
- just changing existing fixtures and doors to accessible

MB - grant as proposed

AB - second – carries unanimously

17) Incoming: Dunkin Donuts, 20 North St., Boston (V14-135)

- TH - EXHIBIT – variance application and supplemental information
- two floors, spending \$125,000, 3.3.1b jurisdiction
- proposing an incline lift up three steps
- incline lift shows boarding from the side, not straight on-and-off

MB - deny, since the incline lift as proposed is not usable

DM - second – carries unanimously

18) Incoming: Woodbridge School, 33 State Street, Newbury (V14-132)

- TH - EXHIBIT – variance application and supplemental information
- conversion of school to 3 condos
- owners want to install keypad in the LULA that they propose to use within the building
- seeking permission to use keypad, although no other jurisdiction

MB - grant as proposed

CS - second – carries unanimously

CS left the room

19) Discussion: West Newton Cinema, 1296 Washington Street, West Newton (C13-002)

TH - EXHIBIT – new complaint
- variance was granted based on the condition that they rotate the movies to the accessible theaters and no advertisement regarding this matter
- complainant is asking for a hearing

MB - there has been noncompliance with a stipulated order

TH - February 29, 1988, hearing was held

MB - so schedule a fine

MB - schedule a fine hearing, based on lack of compliance with an order of the board

DM - second – carries unanimously

CS now present

20) Incoming: 7 Winter Grill d/b/a 7 Grille, 7 Winter St., Pittsfield (V14-146)

TH - EXHIBIT – variance application and supplemental information
- EXHIBIT – June 14, 2014 letter from June Hailer and Cathy Carcidi of the Pittsfield Commission and AdLib
- seeking to use the second floor without access
- functions at the second floor already booked

MB - when is the lift proposed to be installed?

TH - 12 months to install the lift
- proposing either a vertical wheelchair lift or exterior ramp

MB - require the installation of a vertical wheelchair lift to create access to the second floor, by March 1, 2015, installed and inspected; no functions may take place beyond March 1, 2015;

TH - building inspector said no functions at the second floor

MB - amending your motion, no functions until access installed, inspected and verified to the Board as such

DM - second – carries unanimously

21) Incoming: Savings Bank, Retail Branch, 357 Main Street, Wakefield (V14-148)

TH - EXHIBIT – variance application and all supplemental information
- spending \$15,000, 3.3.1a
- proposing to grind a stone entry step, to a slope of 1:7, with an automatic door opener

MB - grant as proposed, on the condition that door opener and buzzer for assistance is provided
CS - second – carries unanimously

22) Incoming: Commercial Office and Mercantile Building, 69 Church St., Lenox (V14-121)

TH - EXHIBIT – Letter from John Barry of Barry Architects on June 19, 2014
- seeking to start by November 1, 2014, originally ordered to comply by September 15, 2014
- now they are saying that they will start the work on November 1, 2014

MB - grant additional time for the completion of the work by January 15, 2015
RG - second – carries unanimously

23) Incoming: New England Center for Homeless Veterans, 17 Court Street, Boston (V14-154)

TH - EXHIBIT – variance application and supplemental information
- reconstruction to create new one bedroom units
- spending \$18,200,000
- seeking variances for stairs (27.4.1, 27.4.6 and 27.2), Stairs 01 (both), 04, 05, and 06
- proposing compliant wall mounted handrails

MB - grant as proposed for handrails
DM - second - carries unanimously

TH - lack of door clearances at stair towers (Stairs 01, 02 and 05)

MB - grant as proposed, based on impracticability proven
RG - second – carries unanimously

24) Discussion: Professional Building, 468 Merrimac St., Methuen (V12-153)

TH - EXHIBIT – email on June 14th and 27th from Ken Knight, building owner
- \$500/day fine starting July 1, 2014, unless lift installed
- the shaft is not plumb, so had to fix the wall
- as of Friday, seeking to lift the fines
- can always ask for abatement of final fines

MB - reaffirm previous order
DM - second – carries unanimously

25) Incoming: Crossings at South Dennis, 47 Route 134, South Dennis (V14-158)

TH - EXHIBIT – variance application and all supplemental information
- 8 units at the second floor, retail and storage at the first floor
- proposing to take first floor storage and convert to 10 Group 1 units
- Group 1 units required at second floor when first built

- when built in 2004, should have had an elevator or variance for lift and 8 units at the second floor should have been Group 1
- seeking no vertical access to the second floor, and building first floor Group 1 units
- units already started and at sheetrock

MB - grant the lack of vertical access to the second floor, on the condition that the 10 first floor units are built as Group 1 units, per 521 CMR; with photographs to be submitted to the Board showing the blocking the walls, upon completion of that portion of the work

RG - second – carries unanimously

WW - make sure not showing sheetrock, showing the blocking in open walls

MB - no certificate of occupancy of the first floor units, until confirmation of Group 1 construction per Board site visit

DM - second – carries unanimously

26) Discussion: Nesbitt Inn, 21 Broad Street, Nantucket (V13-259)

- TH - scheduled to open July 15, 2014, but elevator construction will not be completed by then
- accessible rooms at both the first and second floor
 - EXHIBIT – email from Matt McEachern from Emeritus Development, June 24, 2014, photos of the elevator and ramp

MB - grant to August 15, 2014 to complete the inspection of the elevator

AB - second – carries unanimously

BRIEF BREAK

27) Hearing: Inn at Crystal Cove, 600 Shirley Street, Winthrop (C13-062 & V14-009)

- WW - called to order at 11:00 a.m.
- introduce the Board

Kevin Hastings (KH) - RW Sullivan, Consultant

Roger Beckert (RB) - owner

- WW - both sworn in, along with TH
- EXHIBIT 1 – AAB1-100

- TH - only one remaining variance request, regarding the first floor common use kitchen
- have received pictures of the lift at the pool, the accessible parking (just need to fix height of the signs)
 - appealed the interior route to the kitchen
 - no argument about the validity of the complaint, just a variance request for the lack of accessible route to the kitchen

KH - submittal of partial first floor plan, showing route from the entrance

WW - accept as EXHIBIT 2

KH - submittal of pictures of steps from lobby to the corridor to the kitchen
WW - accept as EXHIBIT 3

KH - pictures of 3 steps down into the kitchen
WW - accept as EXHIBIT 4

KH - primary request is based on the fact that some of the units do not have their own kitchen, people in the units without kitchens can use the common kitchen to make meals
- the one accessible unit within the building does have a kitchen within it
- kitchen does have an exterior at grade entrance which has multiple steps at the exterior (previously granted a variance for the lack of access at that entrance)
- only option to create interior routes would be to construct small addition and install lifts
- cost of this proposal is on AAB23, approximately \$40,000 to get up the two steps from lounge to the hallway
- \$30,000 for another lift to get to the kitchen
- based on the fact that accessible unit has accessible kitchen, and the cost of full compliance would be excessive without substantial benefit to persons with disabilities
- there is no place to eat within the kitchen

RB - if you take the space away from some of the rooms to create access to the kitchen, would take away from one of the units and create an additional cost

KH - did not fully look into reconfiguring that adjacent room

DM - isn't the point of the kitchen to socialize with the people within the building

KH - the lobby and lounge space is more of the common area for the guests within the building

RB - lobby does serve as the group meeting place, and has the nice view
- the kitchen is just a place to make food

DM - how far is the accessible unit from the kitchen

KH - just around the corner

RB - don't provide the food, originally used as a rooming house previously

RG - how much revenue would be lost if cutting into that room?
RB - can't quantify without looking at it, currently two double beds, would probably lose a bed and therefore loss of ability to book for groups of 4

TH - cost of two lifts?
RG - \$70,000

MB - different price points for rooms with kitchens versus rooms without
- is the price point comparable for the accessible unit with the kitchen versus the rooms without

RB - flexible with pricing; would book the room at a "room without a kitchen" rate if a person with a disability requested the accessible unit
- there is another building connected to the property that has 70 units with another accessible unit

CS - AAB29, is that the other building
KH - yes

CS - looked into the lift to the exterior stairs to the kitchen
WW - already granted a variance for the lack of access at the back stairs

RB - kitchen is just there since it was part of the original building
- number of restaurants in the area, no food provided
- not a bed and breakfast, clearly state that food not provided

CS - can you set up a coffee area in the lobby?
RB - could definitely do that

MB - grant the lack of access for the route to the kitchen, based on both excessive cost without benefit and technologically infeasibility, on the condition that the price point at the accessible unit is comparable to the rooms that don't have kitchens when the accessible unit requested

DM - second –with coffee station provided at the accessible lobby – carries with CS opposed

28) Incoming Discussion: St. Paul's Episcopal Church, 16 Fair St., Nantucket (V14-149)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%, full compliance required
- seeking variance for the walkway that connects the new entrance to the public sidewalk, with two alternatives – curved route with slope of 7.9%, linear route with a slope of 7.2%
- Disability Commission opposed the variance requested for the route
- application prompted questions to the applicant and found that kitchen was completely renovated
- applicant constructed the kitchen as a commercial kitchen and not accessible, even though it is rented out and used by the parishioners
- June 27, 2014 received letter from John Stover seeking additional support to receive temporary occupancy permit prior to full compliance, and seek time to submit plan for compliance by September 1, 2014, which may also request additional variances
- Disability Commission is not opposed to the temporary CO issuance, but would like to see the plans submitted sooner than September 1, 2014

MB - Read letter from Commission into the record
- Commission reviewed the two ramp options to the entrance at their June 10, 2014 meeting

MB - accept the proposal for the curved walkway (alternative #1) on the condition that it is redesigned to mitigate the slope to 5%

DM - second – carries unanimously

MB - require compliant handrails at the ramped entrance

RG - second – carries unanimously

MB - continue the discussion regarding the kitchen

- for it to be included in the overview of the entire building's accessibility plan (3.3.2 analysis) and allow temporary Certificate of Occupancy until September 1, 2014, submittal of access upgrades, plan for compliance or alternate variance requests September 1, 2014

DM - second - carries unanimously

29) Incoming: Brookside Intensive Treatment Units, 5 Ramsdale Road, Great Barrington (V14-153)

TH - EXHIBIT – variance application and supplemental information
- proposing to install key touchpad for the operation of the lift

MB - are their stairs in the facility that are unlocked
- is there unimpeded stair access, to make the routes comparable

MB - grant as proposed

DM - second – carries unanimously

30) Incoming: Dalton Residences, 30 Dalton Street, Boston (V14-147)

TH - EXHIBIT – variance application and supplemental information
- seeking variance for floor outlets, which are below the level of zone of reach, due to floor to ceiling windows

MB - grant as proposed

DM - second – carries unanimously

TH - Group 1 sink depth

MB - grant as proposed, on the condition that sinks provided to tenants by owner upon request

DM - second – carries unanimously

LUNCH BREAK

All but CS present

31) Discussion: Oak Grove Community Center, 6 Grove St., Malden (V13-003)

TH - EXHIBIT – February 27, 2014 response from City of Malden; April 20, 2014 response from Complainant; and June 27, 2014 response from the City to the Complainants response
- building is currently closed

DM - met with a woman from a couple of months ago from Malden
- the woman was being asked to be the ADA Coordinator additional to her current job requirements
- advised her to meet with TH

TH - talked to the architect that they had hired
- whole community is suffering from the loss of this building

- DM* - schedule a hearing
MB - second – carries unanimously

32) Incoming: Courtyard Hotel, 275 Tremont Street, Boston (V14-152)

- TH - EXHIBIT – variance application and supplemental information
- 3.3.1b jurisdiction, work performed
- variance to section 8.5.3, regarding 36” provided at both sides of the bed in the Group 2B bedrooms, due to structural walls and in room heating units
- 51” at one side and 19” at the other side of the bed, for 7 rooms (621, 721, 821, 921, 1021, 1121, 1221)
- MB - are there rooms with two beds in them
- want to know about accessible rooms with two beds

CS now present

- TH - can only look in the rooms that they are working on
- they are only doing finishes and plumbing fixtures

- MB* - grant as proposed
AB - second – carries with CS abstaining

33) Incoming: Natick Mews, 13 East Central Street, Natick (V14-156 & V14-157)

- TH - EXHIBIT – variance application and supplemental information
- new construction (estimated \$32 million)
- still in design and construction doc phase
- 3 variances, 1st two for sink depths; will provide sinks in stock, with sinks provided upon request by management, language in lease

- MB* - grant as proposed, with compliant sinks in stock and provided upon request by management, lease language noting this
DM - second – carries unanimously

- TH - loft units, seeking to be treated as townhouses, and will provide a lift upon request

- CS* - hearing
RG - second – carries

34) Discussion: Father Bills and MainSpring, 54 North Main Street, Brockton

- TH - proposing LULA, and want to proceed with roof work so that they do not lose the funding grant for the work needed to be done
- they need to complete a 30% review of the building, and submit the additional variance applications
- also need occupancy permit
- they are currently occupying the first floor

CS - *contact the building department and notify that okay to proceed with the roof project, on the condition that they submit their application for variance by August 1, 2014*

DM - *second – carries unanimously*

35) Discussion: 108 South Main Street, Middleton (V08-190)

TH - EXHIBIT – June 13, 2014 letter from architectural firm stating that they would be handling the lift installation at the building; submittal of plan regarding the lift installation

- contract signed by Garaventa, but not the owner
- owner is asking to come before the Board to seek to not provide the required lift
- also notified by the Middleton Building Department that bathroom not fully compliant
- temporary certificate of occupancy for the building
- need to do a site visit with the building inspector there

CS - *schedule a site visit by Board Staff and require building inspector to be there*

DM - *second – carries unanimously*

36) Discussion: Grafton Town House, One Grafton Common, Grafton (V10-081)

TH - EXHIBIT – June 20, 2014 email from Town Administrator regarding the project being delayed going out to bid

- they are still on track for the completion deadline
- just a status update

37) Incoming Discussion: Cahoon Museum of American Art, 4676 Falmouth Rd., Cotuit (V14-105)

TH - EXHIBIT- Roger Brooks June 5, 2014 email requesting allowance of issuance of permits

- hearing scheduled for August 11, 2014

MB - are they aware that issuance of permits are at-risk

TH - yes

MB - *allow the issuance of at-risk permit, based on the fact that the applicant is aware that completed construction during this timeframe*

DM - *second – carries unanimously*

38) Incoming: Wellesley College Field House, 106 Central St., Wellesley (V14-140)

TH - EXHIBIT – variance application and supplemental information

- petitioner seeks variance to the definitions section of 521 CMR
- over 30%
- seek relief to the definition of accessible building
- fire separation wall provided in lieu of a fire wall

WW - fire wall allows for collapse of either structure at either side; fire separation wall is considered the same building, does not prevent collapse

- wall is basement through roof line for fire wall

TH - all of the bathrooms and shower rooms are in the other half of the building

- not accessible bathrooms and shower rooms

MB - good catch by the building department

MB - the definitions stand and there is no variance process for the definitions section of 521 CMR; access audit required to determine the noncompliant features within the building; schedule a hearing

- withdrawn

MB - deny the request to modify the definition

AB - second – carries unanimously

39) Incoming: Schneider Center & Billings Hall, 106 Central Street, Wellesley (V14-141)

TH - EXHIBIT – variance application and supplemental information

- variance application submitted, and seeking multiple variances

CS - schedule hearing

MB - second – carries unanimously

40) Incoming: Furcolo Hall, University of Massachusetts, 813 North Pleasant Street, Amherst (V14-137 & V14-138)

TH - EXHIBIT – variance application and supplemental information

- existing ramps connecting north and east wings of Level O

- 1.038:12 slope

MB - grant as proposed

DM - second – carries unanimously

TH - seeking variance for placement of wheelchair seating, four wheelchair seats will be provided at the rear of the auditorium in two locations

DM - grant on the condition that the seating locations comply with the requirements of 521 CMR

MB - second- carries with CS opposed

41) Incoming: Josiah Willard Hayden Recreational Center, 24 Lincoln Street, Lexington (V14-136)

TH - EXHIBIT- variance application and supplemental information

- Commission is opposed to the variance requested

- work performed project

- Commission would like to see the stalls reduced from 3 stalls to 1 to create accessible toilet rooms

- seeking to use alternate stall, not an accessible stall

MB - deny

DM - second – carries unanimously

42) Incoming: Multi-tenant Commercial Building, 501 Cambridge St., Cambridge (V14-151)

TH - EXHIBIT – variance application and supplemental information

- 3.3.1b, seeking one variance for a ramp being constructed

- width between the handrails will be 42” total

- support from the Commission in support of the variance

MB - grant as proposed, based on technological infeasibility

DM - second – carries unanimously

43) Incoming Discussion: D’Amelio’s Restaurant, 306 Revere Street, Revere (V14-066)

TH - decision issued in March regarding entrance

- when they went to build the ramp, found that the ramp with a slope of 1:12 would not work
- now proposing 1.25:12 ramp and automatic doors at the bottom of the ramp

CS - grant as proposed

DM - second – carries with MB opposed

BRIEF BREAK

44) Hearing: Valley View School, 91 Oakham Road, North Brookfield (V14-063)

- WW - call to order at 2:00 p.m.
 - introduce the Board

Fay Raynor, Architect (FR)

Gerry McGonagle, Contractor (GM)

- WW - both sworn in
 - EXHIBIT #1 – AAB1-49

- FR - submittal of packet
 WW - EXHIBIT 2, PowerPoint
 - EXHIBIT 3, pictures and plans
 - EXHIBIT 4, cost estimates

- FR - large fire resulted in rebuilding of building and need for insurance and additional funds
 - working around existing septic system and trying to utilize what is there
 - 100 foot drop from back of building down to main buildings
 - significant draining issues that need to be dealt with
 - connecting all of the buildings; office admin building and Doane Building (both not affected by the fire); and main building – all accessible from exterior
 - lower level will be connected to ground floor via vertical wheelchair lift
 - ground floor (main floor) consists of bedrooms, a gathering area, stage area, and dining area
 - the school is a nonprofit boarding school for at risk boys
 - Doane Building was completed in Phase 1, moving forward with the understanding that corrections will be made if need be
 - the commercial kitchen separates the Main Building from the Doane Building; 6 sleeping rooms at the Doane Building, and the remainder on the other side
 - seeking variances for interior connection between Main Building and Doane Building
 - the upper floor of the Doane Building is at the Attic Level of the Main Building
 - shell of the Doane Building is from 1800s

- FR - first variance is for Section 14, places of assembly, regarding the lack of access to the stage; proposing to provide incline lift (AAB 25 and A-102 (Exhibit 2))
 - will traverse 4 steps
 - the stair is 5 feet wide

CS - grant the variance for the use of an incline lift at the corridor to create access to the stage

DM - second – carries unanimously

- FR - variance for Section 20, accessible route
 - at the exterior (AAB25) they have connected all of the varied grades to create an accessible path at the exterior

- at the interior, more complicated because of the kitchen
- would need to route behind the Doane Building to connect the Main Building and create retaining wall and underpinning of the foundation (\$500,000 cost estimate for all of this work); requesting no interior connection, since you could go through the kitchen, although not preferred for the general public
- it is an active kitchen, students are allowed into the kitchen, however, they not like to encourage the path of travel through the kitchen

MB - typically the path of travel is outside?
FR - yes, typical path of travel is to travel outside of the building

CS - cost for just ground floor corridor?
FR - around \$350,000, due to existing strong slope

AB - no lift proposed?
FR - proposing no access to the second floor of the Doane Building (3 bedrooms, bathrooms and a lounge)
- accessible Group2 Bathroom provided at the second floor

RG - students are involved in cooking, so is the kitchen accessible

FR - all of the equipment was salvaged and refurbished, but did try to provide 36" of route around the kitchen, and open under the sink for dishwashing
- very constrained with the available space

MB - is there knee clearance at a prep area?
FR - prep work done at loose table, everything else is fixed

MB - *grant the variance for the lack of interior accessible route between the Main Building and Doane Building, based on excessive cost without substantial benefit*
DM - *second – carries unanimously*

MB - *grant the variance for the lack of vertical access to the upper level of the Doane Building, based on excessive cost without substantial benefit to persons with disabilities*
DM - *second*
CS - *is there a lounge upstairs?*
FR - *a couple of chairs and a TV, more of a circulation path*
- *motion carries unanimously*

MB - *would like to have the Petitioners submit a written policy regarding parent/guardian/sibling or child that uses a wheelchair, that student will be housed in the accessible Main Building*
DM - *second – carries unanimously*

MB - *grant the variance for the lack of accessible bathrooms at the second floor of Doane Building*
AB - *second – carries unanimously*

FR - seeking a variance for the raised seating at the platform

MB - *deny the variance for change in level at seating platform*
DM - *second – carries unanimously*

KS - what about kitchen?

TH - need compliant cook top, counter space, and sink space

FR - any additional equipment will require an addition to the building
- commercial range

DM - grant the variance for the lack of an accessible cook top within the kitchen

MB - second – carries with CS opposed

45) Incoming Discussion: St. Luke's Episcopal Church, 201 Washington Ave., Chelsea (V14-127)

TH - previously presented on June 2, 2014
- over 30%
- proposing to install a LULA, but balance of the requests for additional variances
- were already working on the installation of the LULA
- want notification to proceed, which was granted
- EXHIBIT – Christopher Howe submittal e-mail June 12, 2014, June 6, 2014, and May 30, 2014
- asked to check specifications of LULA, and it is a vertical wheelchair lift and not a LULA
- equipment already bought and ready to install
- need to amend to allow the use of vertical wheelchair lift
- need to schedule a hearing on the balance of the requests

MB - grant the use of the vertical wheelchair, but double-check future submittals

TH - second – carries unanimously

CS - hearing

AB - second – carries unanimously

46) Incoming: Harrison Park Condo, 394 Lowell St., Units 7 & 12, Lexington (V14-142)

TH - EXHIBIT – variance application and supplemental information
- work performed, they are moving the bathrooms around
- commercial condos
- second floor is not accessible

DM - deny

MB - second – carries unanimously

47) Discussion: Norton High School, 66 West Main Street, Norton (V14-027)

TH - EXHIBIT – submittal of pictures on June 16, 2014
- they moved the seats back

DM - motion to accept, case closed

MB - second – carries unanimously

48) Discussion: 555 Bedford Street, Unit 1, Bridgewater

TH - EXHIBIT – submittal of affidavit regarding second floor not open to the second floor
- all services provided at first floor, lawyer owns both floors of the unit
- previous variance for Unit 2, orthodontist office

DM - accept the submittal of affidavit, on the condition recorded with the registry of deeds and for this owner only

CS - second – carries unanimously

49) Incoming Discussion: Leitch Hall, 111 Pawtucket Street, Lowell (V13-158)

TH - EXHIBIT – affidavit from Chancellor about no student in the resident assistant's apartment on June 14, 2014

DM - accept and record within 60 days

RG - second –

MB - needs to be a little firmer because of where it is

- RA that is in that room is informed that they will not meet with students in their room, sign on their door that RA only, no students

DM - accept that addition

- carries unanimously

NO MORE DM

50) Hearing: New Housing 44 Dwelling Units, 77, 79 & 81 Terrace Street, Boston (V14-068)

WW - called to order at 3 p.m.

- introduce the Board

Sebastian Mariscal, Sebastian Mariscal Studio (Developer) (SM)

Brian Militana, Sebastian Mariscal Studio (Project Manager) (BM)

WW - both sworn in

- EXHIBIT 1 – AAB1-86

BM - new submittal of packet

WW - Project Challenges – Accepted as EXHIBIT 2

- Proposals – Accepted as EXHIBIT 3

BM - RFP issued by BRA and DND, Energy positive development, highest benchmark of sustainability

MB - no letter of support from Boston Commission on Disability?

BM - we do not have a letter from them

BM - AAB21, site sits between two streets (Parker Street and Terrace Street)

- change in elevation of 35 feet

- 1200 feet from Roxbury Crossing train station at the Terrace Street side of the site

- the site is extensively contaminated with lead, \$1.2 million to excavate the lead

- the site is contaminated and fill, so need to export a substantial amount of the site

- AAB26, shows section of hills

- Parker Street will have rooftop garden and solar panels

- 53 private gardens for 44 units will be provided

- AAB27, small retail space at Terrace Street and small gallery space

- 14,000 square foot community garden and solar farm

- AAB28, image of one of the courtyards

- AAB31, shows the systems that are being used for the sustainability
- community garden was existing on the site, so required by RFP to maintain the community garden
- public plaza also created, the community garden is not exclusively for unit use
- have met with over 115 people
- have not received any response from Boston Commission on Disability or a written response from the Multicultural Independent Living Center, whom we met with

MB - surprised to see no response from either the Commission or the Independent Living Center
BM - met with the Independent Living Center in Jamaica Plain, but nothing submitted from them in writing

BM - entire first floor is fully accessible, retail space, three Group 2A units, the gallery space, and the parking area behind

- seeking multiple variances for changes in level throughout the floors
- the second floor is accessible from a ramp from Parker Street, Orange are all townhouse units; pick are the Group 1 units
- Floor 3, Orange is the second floor of the townhouse units; large courtyard and all of the flats off of it are accessible and Group 1 units; there is another courtyard that is not accessible, with the attached units also not accessible
- Floor 3, two ramps up to the Community Garden which is 30 inches above the sidewalks

BM - Floor 1, Option 2 the same

- Floor 2, Option 2, second floor courtyard not accessible
- 3rd and 4th floors are the same

BM - 3rd option proposal for ground floor and roof garden access, but no access at the second and third floor

WW - do you want us to pick an option?

SM - wanted more options for dialogue, would like to approve the third option, which has the least access

- the first floor and community garden would all be accessible
- other two options are not preferred

WW - how do you get to the second floor?
SM - stairs

SM - all of the second level, other than two units, are townhouses

MB - appreciate the challenges that you have and the community support, but see no support from disability community

- need visitability and more than just room access
- never seen so many steps and so little access in a brand new plan
- need to have access to common areas
- entire design is premised on steps

CS - if there are Group 1 units at the second floor, no vertical access provided to the units
BM - they are accessed from Parker Street

- from Terrace they would be accessed by steps and from Parker Street in Option 1 they would be accessed by ramps

TH - how many proposed to be accessible in Option 1

BM – 3 units Group 2, 10 units Group 1

TH - all about the expense of the ramps for those middle levels

CS - reached out to the Commission but nothing from them, but they would be here or would have submitted a letter in opposition
- impressed with Option 1, the other two, do not like the fact that there is no access to whole floors, since it is such a community space

BM - problem with elevator is the length of the site, to access all the changes in level

SM - for the site it is technologically infeasible since it is not all contained in one building
- could have series of elevators, but the costs would be excessive
- everything is terraced

CS - did not like the use of brick in the courtyards
BM – drawings are schematic in nature

AB - approximately 23 units are exempt
- how many accessible units
BM – Option 1, 13 units
- no common point
BM - the side is 280 feet

TH - provide vertical access would only gain access to two units

CS - parking?
BM – at the back of the first floor
SM - have retail, parking and the three Group 2 units

AB - accessible routes?

SM - Option 1 has a ramp between the second and third floors and to the second floor from Parker Street

WW - very unique project and everyone has weighed in except for the Disability Commission
- nothing from them at all
- have a problem with the lack of vertical access between floors
- does not take no response as a tacit approval of the project would like to hear from the commission on this development

MB - would move towards continuing this matter to have the Boston Commission on Disability respond
- packet of support letters, but nothing from the disability community

WW - why not build walkways to an elevator to access the different floors
- brand new construction

TH - section 9 does not require elevators in housing
MB - but they need to have an accessible route where there are stairs

WW - there arguments are that the ramps are long and a large expense; haven't heard about walkways to elevators and the costs of that

SM - 58,000 square foot lot
- elevator would put a lot of challenges on the design
- it would be more feasible to provide the ramps
- Option 1 creates access to all floors
- all the ramps are within the site, but are exterior ramps
- 21 units that are not townhouses

MB - but there common use spaces that are not accessible

BM - in Option 1, all but one of the common use spaces are accessible
- \$75,000 per ramp
- approximately \$150,000 difference between Option 1 and Option 3

CS - *take the matter under advisement*

MB - *second – carries unanimously*

51) Discussion: Carter Memorial United Methodist Church, 800 Highland Avenue, Needham (V14-029)

WW - call to reopen

CS - *reopen*

AB - *second – carries unanimously*

KS - continued the remaining variances and the doors and the Fish Entrance ramp
- variance code column for all of the stairs

AB - maybe need to categorize, storage, employee space

CS - *have TH meet with the petitioners to categorize and organize the door variances requested, remove reference to IBC*

RG - *second – Carries unanimously*

52) Discussion: First Parish Congregational Church of Truro, 3 First Parish Lane, Truro (V14-056)

CS - *move to July 14th for discussion*

MB - *second – carries unanimously*

53) Incoming: 14, 16 and 18 Red Brook Road, Mashpee (V14-145)

TH - variance application and supplemental information

- proposed development

- at the entrance to the development they have an existing accessible design center and existing accessible sales cottage

- proposing 3 model homes

- seeking to not make the model homes accessible and accommodate in the accessible design center and sales cottage

MB - *deny, and require access to the first floor of each one of the model homes and that at the first floor there is a video set up of what is at the second floor and basement*

RG - *second – carries unanimously*

54) Discussion: Blackington Building, 572 Main Street, Sturbridge (V14-007)

TH - EXHIBIT – June 20, 2014 email from Calvin Annino, Attorney for the Building Owner
- 3.3.2 trigger for full compliance
- work has already been completed
- during conversation with Annino on June 25th, he mentioned that if the Board does not change their motion they will not go forward with the project; but access required so need to comply or variances need to be requested
- gave him a year for the front entrance compliance

MB - *motion to reopen*

RG - *second – carries unanimously*

MB - *based on the work that triggered full compliance on (year), they are required to comply in full with the applicable requirements of 521 CMR; since the first floor appears to currently be occupied, the May 31, 2015 timeframe was reasonable to construct the ramp; maintain the May 31, 2015 deadline for the construction of access to the first floor; status reports to be submitted November 1, 2014 and March 1, 2015, with ramp completed by May 31, 2015*

RG - *second – carries unanimously*

MB - *based on the response from the owner's attorney, they have indicated that the second floor is about to be vacated; if the second floor is empty, there is no requirement to provide vertical access; prior to them renting out the second floor to a new tenant, they need to come back to the Board with the proposed tenant; as long as the second floor tenant space is empty, no vertical access is required*

AB - *second – carries unanimously*

CS - what is the reasoning for the request for more time?

TH - letter from owner to Town Planner regarding filing deadlines

55) Discussion: Pleasant Street Towers, 505, 507 Pleasant Street, Malden

TH - seeking temporary CO while sidewalk planter issue is dealt with (variance received on Friday, June 27th), and accessible parking across the street

- building is done with an accessible entrance and an elevator

- 95% Group 1 and 5% Group 2a

MB - *grant temporary CO*

AB - *second – carries unanimously*

56) Incoming: Reciprocal Curb Cuts at the Northeast Corner of Union and Island Street, Lawrence (V14-133)

TH - variance application and supplemental information

- seeking variance to not provide reciprocal curb cuts

- full compliance is impracticable due to adjacent bridge

MB - *grant as proposed*

CS - *second – carries unanimously*

57) Discussion: 14 Walnut Street, Worcester

TH - building housing two state agencies DCF and Department of Transitional Assistance

- two curb cuts that have noncompliant slopes in front of this building housing two state agencies

- variance for the cross slope on the curb cuts

- going to warp the center as much as possible to work with the adjacent steep street

- seeking approval for issuance of occupancy permit for the building

- building official is holding the occupancy until he hears from the Board

MB - why is the building official asking for the Board's approval if this is only an issue with the curb cuts?

CS - *allow the issuance of a temporary certificate of occupancy, based on the condition that the building fully complies with all applicable sections of 521 CMR and the fact that the Board has received a variance application for the curb cut in question*

AB - *second – carries unanimously*

58) Advisory Opinion: 12 Brush Hill Road, Milton

TH - received a request from Ms. Anzalone from Keystone Elevator
- installed a lift on the floor and did not recess it
- used the allowance in section 24 to allow the slope of 1:10
- plan to the building department showed the lift was flush, building inspector is requiring them to apply to the Board for a variance

MB - *require a variance for this matter*

AB - *second – carries unanimously*

59) Advisory Opinion: Yogurt City, Ludlow

TH - building inspector called about reach ranges to the toppings
- based on the depth of the toppings bar

CS - *toppings bar does not comply with reach ranges*

RG - *second – carries unanimously*

60) Advisory Opinion: Richard Churchill, P.E., Owner of Indian Head Resort, Plymouth

TH - owner is struggling with the conservation commission about the removal of gravel, he wants to maintain 5% walkways; conservation commission is requesting ramps

MB - he wants to remove more gravel to sell it to fund the improvements, and asked isn't it better to have walkways than have ramps

- it's a funding issue, but would have to go to the attorney general's office to ask to cut down his property for drainage issues

WW - probably a town by-law about gravel removal

CS - *motion to not weigh in on this matter*

AB - *second – carries with MB abstaining*

61) Discussion: Meeting Minutes and Decisions from June 2, 2014

CS - *approve decisions and minutes from June 2, 2014*

MB - *second – carries with RG abstaining*

- End of Meeting -

EXHIBITS:

- Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105) - Roger Brooks June 5, 2014 email requesting allowance of issuance of permits
- Grafton Town House, One Grafton Common, Grafton (V10-081) - June 20, 2014 email from Town Administrator regarding the project being delayed going out to bid

- Office Building, 669 Boylston Street, Boston (V13-108) - Plan from Bergmeyer Associates (Dated 6/6/14) received on 6/9/14
- Shrewsbury Public Library, 609 Main Street, Shrewsbury (V14-101) - submittal of plans showing route to the building entrance from accessible parking (Lamoroux Pagano Plans, A-1 and A-5, 4/17/14), submitted on May 29, 2014
- D'Amelio's Restaurant, 306 Revere Street, Revere (V14-066) – plans submitted by Dominic Valente
- 108 South Main Street, Middleton (V08-190) - June 13, 2014 letter from architectural firm stating that they would be handling the lift installation at the building; submittal of plan regarding the lift installation
- Carter Memorial United Methodist Church, 800 Highland Avenue, Needham (V14-029) – June 5, 2014 submittal from Doug Sacra, Maple Hill Architects
- First Congregational Church of Truro, 3 First Parish Lane, Truro (V14-056)
- Lancaster Community Center, 39 Harvard Road, Lancaster (V11-252) - June 17, 2014 submittal from Alexandra Turner, seeking time until September 1, 2014 for the completion of the elevator
- Norton High School, 66 West Main Street, Norton (V14-027) - submittal of pictures on June 16, 2014
- Eastover Hotel & Resort, 430 East Street, Lenox (V14-012) - Peter Nolan submittal on June 27, 2014, proposal for accessible cottages; June 9, 2014 submittal seeking 5 years for elevator
- East Templeton Elementary School, 160 Patriots Road, East Templeton (V14-099) - accommodation policy to provide services at Council on Aging, which is accessible, June 9, 2014 submittal from Board of Selectmen
- Oak Grove Community Center, 6 Grove Street, Malden (C13-003) - February 27, 2014 response from City of Malden; April 20, 2014 response from Complainant; and June 27, 2014 response from the City to the Complainants response
- Senior Housing, 135 Main Street, Marshfield (C12-090) - submittal from attorney Martin Rooney for housing authority received on May 29, 2014
- Professional Building, 468 Merrimack Street, Methuen (V12-153) - email on June 14th and 27th from Ken Knight, building owner
- Bourgeois & Leitch Hall, 71 & 111 Pawtucket Street, Lowell (V13-158) - affidavit from Chancellor about no student in the resident assistant's apartment on June 14, 2014
- Nesbitt Inn, 21 Broad Street, Nantucket (V13-259) - email from Matt McEachern from Emeritus Development, June 24, 2014, photos of the elevator and ramp
- St. Luke's Episcopal Church, 201 Washington Avenue, Chelsea (V14-127) - Variance application and all supplemental information attached
- Medford High School, 489 Winthrop Street, Medford (V14-130) - Variance application and all supplemental information attached
- Woodbridge School, 33 State Street, Newbury (V14-132) - Variance application and all supplemental information attached
- Reciprocal Curb Cuts, Northeast Corner of Union and Island Streets, Lawrence (V14-133) - Variance application and all supplemental information attached
- Dental Office, 710 Chelmsford Street, Lowell (V14-134) - Variance application and all supplemental information attached
- Dunkin Donuts, 20 North Street, Boston (V14-135) - Variance application and all supplemental information attached
- Josiah Willard Hayden Recreational Center, 24 Lincoln Street, Lexington (V14-136) - Variance application and all supplemental information attached
- Furcolo Hall, University of Massachusetts, 813 North Pleasant Street, Amherst (V14-137) - Variance application and all supplemental information attached

- Furcolo Hall, University of Massachusetts, 813 North Pleasant Street, Amherst (V14-138) - Variance application and all supplemental information attached
- Lake Waban Boathouse, Wellesley College, 106 Central Street, Wellesley (V14-139) - Variance application and all supplemental information attached
- Wellesley College Field House, Wellesley College, 106 Central Street, Wellesley (V14-140) - Variance application and all supplemental information attached
- Schneider Center, Billings Hall Link, Wellesley College, 106 Central Street, Wellesley (V14-141) - Variance application and all supplemental information attached
- Harrison Park Condo, 394 Lowell Street, Unit 7 & 12, Lexington (V14-142) - Variance application and all supplemental information attached
- Beit Sasson, 556 Ward Street, Newton (V14-143) - Variance application and all supplemental information attached
- Causeway BBQ, 65-71 Causeway Street, Boston (V14-144) - Variance application and all supplemental information attached
- 7 Winter Grille d/b/a 7 Grille, 7 Winter Street, Pittsfield (V14-146) - Variance application and all supplemental information attached
- 30 New Residential Units, 30 Dalton Street, Boston (V14-147) - Variance application and all supplemental information attached
- The Savings Bank, Retail Branch, 357 Main Street, Wakefield (V14-148) - Variance application and all supplemental information attached
- St. Paul's Episcopal Church, 16 Fair Street, Nantucket (V14-149) - Variance application and all supplemental information attached
- Voke Lofts Housing, 21 Salisbury Street, Worcester (V14-150) - Variance application and all supplemental information attached
- Multi-tenant Commercial Building, 501 Cambridge Street, Cambridge (V14-151) - Variance application and all supplemental information attached
- Courtyard Hotel, 275 Tremont Street, Boston (V14-152) - Variance application and all supplemental information attached
- Brookside Intensive Treatment Unit, 5 Ramsdale Road, Great Barrington (V14-153) - Variance application and all supplemental information attached
- New England Center for Homeless Veterans, 17 Court Street, Boston (V14-154) - Variance application and all supplemental information attached
- Harbormaster/Visiting Boaters Building, Municipal Fish Pier, Newburyport (V14-155) - Variance application and all supplemental information attached
- Natick Mews, 13 East Central Street, Natick (V14-156) - Variance application and all supplemental information attached
- Natick Mews, 13 East Central Street, Natick (V14-157) - Variance application and all supplemental information attached
- The Crossings at South Dennis, 47 Route 134, South Dennis (V14-158) - Variance application and all supplemental information attached

Matters not reasonably anticipated 48 hours in advance of meeting

- 45 Broad Street, Boston (V14-081)
- 532-536 Cambridge Street, Cambridge (V14-119)
- Commercial Office Building, 69 Church Street, Lenox (V14-121)

- Father Bills and Main Spring, 54 North Main Street, Brockton
- 14-18 Red Brook Road, Mashpee (V14-145)
- Sidewalks Cross Slopes, 503-509 Pleasant Street, Malden